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May 29, 2008

Paul A. Marshall
Bay Delta Office
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Re: Scoping comments for Bay Delta Conservation Plan

Dear Mr. Marshall,

I have divided my comments into two categories, conveyance and wetlands/tidal wetlands.

Conveyance:

For options 3 and 4 each of which contain a peripheral aqueduct and alternate aqueduct route and all other options which convey and export water from the Delta, the EIR must answer the following questions

1. How will seepage from the new channel be evaluated and mitigated?
2. What will be the cost for seepage mitigation?
3. How will removal of water from the Delta Common Pool affect water quality downstream from the peripheral aqueduct?
4. Will water quality down stream from the peripheral aqueduct conform with the requirements of the contract between the State of California Department of Water Resources and North Delta Water Agency (for the assurance of a dependable water supply of suitable quality) dated January 28, 1981?
5. Will the State cease all exports from Delta channels when water quality in the North Delta does not meet contractual requirements?
6. Will the aqueduct and any other export from Delta channels be conducted in accordance with recital (g) of the above referenced contract? (i.e. will exports be conducted in a manner to conform with part 4.5 of Division 6 of the California Water Code which affords a first priority to provision of salinity control and maintenance of an adequate water supply in the Delta for reasonable and beneficial uses of water and relegates to lesser priority all exports of water from the Delta to other areas for any purpose?)

7. Will conveyance be conducted consistent with provision number 6 of the above referenced contract? (i.e. will the state mitigate for seepage damage and repair any erosion damage caused by SWP flows?)
8. Will exports of water from Delta Channels be conducted in accordance with the law of the State of California, which requires protection of the areas within which water originates and the watersheds in which water is developed?
9. What is the cost difference between conveying export water through the Delta vs. A peripheral aqueduct?
10. Won't it be necessary to convey water through the Delta for an extended period of time even if a peripheral aqueduct is considered, so why do both?
11. In order to export water from Delta channels will the State develop new upstream water?
12. If upstream water is not developed, is the supply adequate to meet the area of origin needs to include the ecosystem and continue exporting from Delta channels?
13. How will damages be determined and financed for any breach of the contract between the State of California Department of Water Resources and North Delta Water Agency dated January 28, 1981?
14. What will the damages be and how much will they cost for each of the four options under consideration?
15. How will removing fresh water from the North Delta impact the ecosystem and water supply in the balance of the Delta?

Wetlands/Tidal Wetlands:

1. How will flood control and drainage be impacted within Reclamation Districts where wetlands are created?
2. Is it feasible to create wetlands within the borders of reclamation districts where water is the common enemy?
3. Who will pay for reconfiguration of Reclamation Districts and how much will it cost for levee and drainage infrastructure?
4. What will be the seepage impacts where wetlands are created and what will it cost for mitigation?
5. How will the BDCP mitigate for loss of very productive farmland in the North Delta to include negative impacts on the wine and Bartlett pear industries and what will it cost?
6. What will be the indirect cost of wetland conversion to the Delta economy, Delta employment and Delta communities?
7. Will the BDCP mitigate for loss of Swainson's hawk habitat and what will it cost?
8. What other terrestrial and avian species will be adversely affected, will the BDCP mitigate and what will it cost?
9. How will the BDCP acquire property for conversion to wetlands and how much will it cost to include permanent crops such as grapes, pears, and cherries?

10. Is it appropriate to establish wetland and tidal wetland zones for the four options under consideration without input from the areas being considered for conversion?
11. Is it appropriate to establish wetland and tidal wetland zones based on elevation and not consider how the land is presently being used?

Finally, rather than spending billions of dollars on water conveyance and associated impacts, wouldn't it be more productive to develop and finance projects which help create regional self sufficiency? The water supply for millions of Californians will be more secure and reliable not by circumventing the Delta, but by reducing dependence on the Delta.

Thank you for your consideration.

Sincerely,

Russell E. van Loben Sels